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UNITED STATES DISTRICT COURT

SOUTHERN DISTRICT OF TEXAS

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MAHMUD AMEEN SEIFULLAH, §  
TDCJ 286108, §  
Plaintiff, §  
§  
versus § CIVIL ACTION H-06-669  
§  
MICHAEL H. UPSHAWN, ET AL. §  
Defendants §

### Opinion on Dismissal

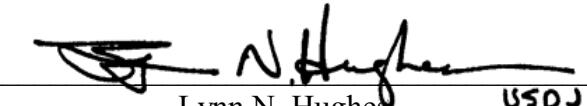
Mahmud Ameen Seifullah filed this civil rights complaint as a pauper. 42 U.S.C. § 1983; 28 U.S.C. § 1915. Seifullah is incarcerated in a Texas prison.

Seifullah has sued twenty-six other times in the federal courts in Texas under the name Seifullah or James Lee Powell. Nine of these lawsuits were dismissed as frivolous, failure to state a claim, or malicious. *See Powell v. Wilson*, H-80cv1670 (S.D.Tx.), *Seifullah v. Hayes*, H-80cv1923 (S.D.Tx.), *Seifullah v. Hayes*, H-80cv2546 (S.D.Tx.), *Seifullah v. Nguyn, et al.*, H-84cv2506 (S.D.Tx.), *Seifullah v. Henderson*, H-84cv2538 (S.D.Tx.), *Seifullah v. Procunier, et al.*, H-85cv1819 (S.D.Tx.), *Seifullah v. Terrell, et al.*, H-88cv2394 (S.D.Tx.), *Seifullah v. Garner, et al.*, 6-89cv581 (E.D.Tx.), and *Seifullah v. Lynaugh, et al.*, 6-89cv583 (E.D.Tx.).

When Seifullah filed these nine lawsuits, he was incarcerated in prison or jail. A prisoner is not allowed to bring a civil action in federal court as a pauper if, while incarcerated, he brought three or more prior actions which were dismissed as frivolous or malicious, unless he is under imminent danger of serious physical injury. 28 U.S.C. § 1915(g). Seifullah's papers do not show such danger.

This case will be dismissed. 28 U.S.C. § 1915(g). Seifullah's motion to proceed as a pauper (2) is denied.

Signed March 13, 2006, at Houston, Texas.



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Lynn N. Hughes  
United States District Judge